

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

William D. Moore and Yvonne Moore,)
)
)
plaintiffs,)
)
)
v.) No. 08 C 596
)
)
Washington Mutual Bank,) Honorable Ruben Castillo
)
)
defendant.)

WASHINGTON MUTUAL BANK'S STATUS REPORT

Defendant Washington Mutual Bank, pursuant to this Court's order, hereby submit the following status report. By letter dated June 3, 2008, counsel for Washington Mutual Bank submitted this report to plaintiffs for their review and comments (Exhibit A), but has not received any response.

I. Legal and Factual Issues

This lawsuit concerns a mortgage loan transaction between plaintiffs and defendant Washington Mutual Bank. Plaintiffs allege that Washington Mutual Bank filed two successive state court foreclosure lawsuits, and that each lawsuit was dismissed, based on the Bank's failure to comply with HUD consultation requirements. Plaintiffs also allege they filed a claim with the Illinois Department of Human Rights, and contend the Bank presented improper evidence in that proceeding. Plaintiffs assert claims under the Fair Debt Collection Practices Act, the Real Estate Settlement Procedures Act, and violation of Federal Housing Regulations. Additionally, based on

the same allegations, plaintiffs bring claims for breach of contract, unfair and deceptive practices, intentional misrepresentation, negligence, breach of fiduciary duty, breach of duty of good faith and fair dealing, and declaratory/injunctive relief.

The factual issues in this lawsuit primarily will concern the timing and nature of the communications between plaintiffs and defendant, during relevant time periods. Plaintiffs contend Washington Mutual Bank did not make certain required contacts before filing the foreclosure lawsuits. The Bank denies that contention, and asserts it fully complied with any HUD requirements concerning contacts with borrowers.

The legal issues in this lawsuit will concern whether those communications, or any other alleged conduct by Washington Mutual Bank, give rise to a claim or claims for relief. Washington Mutual Bank has filed a motion to dismiss the complaint, which may impact the legal issues in the case.

II. Outstanding Discovery Issues

There are no discovery issues at this time. Washington Mutual Bank has served plaintiffs with its Rule 26(a) disclosures. Plaintiffs will serve their Rule 26(a) disclosures by _____.

III. Pending Motions

Washington Mutual Bank has filed a motion to dismiss the complaint, and a supporting memorandum of law. The motion is noticed for initial presentation on June 12, 2008.

IV. Status of Settlement Discussions

The parties have not discussed a settlement of this lawsuit.

WASHINGTON MUTUAL BANK

By: 
One of its attorneys

Glenn E. Heilizer
Law Offices of Glenn E. Heilizer
Five North Wabash Avenue
Suite 1304
Chicago, Illinois 60602
312-759-9000

Dated: June 10, 2008